

MAR 26 2008

MOLLY DWYER, ACTING CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

BARBARA L. HOPKINS,

Defendant - Appellant.

No. 07-30006

D.C. No. CR-05-00210-EFS

MEMORANDUM *

Appeal from the United States District Court
for the Eastern District of Washington
Edward F. Shea, District Judge, Presiding

Submitted March 18, 2008**

Before: CANBY, T.G. NELSON, and BEA, Circuit Judges.

Barbara L. Hopkins appeals from the 18-month sentence imposed following her guilty-plea conviction for bank fraud, in violation of 18 U.S.C. § 1344(2). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Hopkins contends that her sentence is unreasonable because the district court failed to appropriately consider her history and characteristics and the nature and circumstances of the offense pursuant to 18 U.S.C. § 3553(a)(1). She further contends that the district court failed to consider the kinds of sentences available, when it refused her request for a sentence that would permit her to serve time on work release so that she could continue to make restitution payments.

The record discloses that the district court considered the § 3553(a) factors and had a reasoned basis for exercising its sentencing discretion. *See Rita v. United States*, 127 S. Ct. 2456, 2468-69 (2007). The district court explicitly considered Hopkins' mitigation arguments. *See id.*; *see also United States v. Perez-Perez*, 512 F.3d 514, 516 (9th Cir. 2008). We conclude that the sentence was not unreasonable in light of § 3553(a). *See United States v. Booker*, 543 U.S. 220, 260-61 (2005); *see also Gall v. United States*, 128 S. Ct. 586, 594 (2007).

AFFIRMED.